

Patent
Attorney Docket No. 65731-76121

REMARKS

In view of the foregoing amendments and the remarks that follow, the Examiner is respectfully requested to reconsider and withdraw the outstanding objections and rejections.

Responsive to the maintained rejection of Claims 33-36 and 40-42 under 35 U.S.C. §112, first paragraph, Applicants believe the current amendments to Claims 33 and 40 obviate this rejection. Claim 33 has been amended to correct typographical errors as well as to incorporate the subject matter of original Claim 34, which has now been cancelled.

Responsive to the objection to the informality in Claim 33, the same has been corrected.

Responsive to the rejection of Claims 40-42 under 35 U.S.C. §112, second paragraph, based on the language "residue 33," independent Claim 40 has been amended herein, which amendment is believed to obviate this rejection.

Responsive to the rejection of Claims 40-42 under 35 U.S.C. §112, first paragraph, as including new matter, the rejection is believed to have been obviated; in the alternative it is respectfully traversed. Paragraph 145 of the published application notes that "mutation of the single P564 resulted in striking protection against normoxia-dependent degradation of the protein fragment, and was not further stabilized by hypoxia treatment of the cells" where P564 is located within amino acid 33 of SEQ ID NO:5. Thus, the specific reference to amino acid 33 of SEQ ID NO:5 finds support in the specification as filed and removal of the rejection is believed to be in order.

Claims 40-42 stand rejected under 35 U.S.C. §102(b) as anticipated by Maxwell et al. This rejection is respectfully traversed. Maxwell discloses a method of evaluating a PYI antagonist; however, Maxwell fails to disclose the method set

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forth in the amended claims which relies on SEQ ID NO:s 4, 5, and 6 wherein the sequence comprises the critical PYI motif. Therefore, Maxwell et al is not appropriate as a novelty reference against the claims amended herewith, and reconsideration and removal of the rejection is requested.

If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned. If necessary to effect a timely response, this paper should be considered as a Petition for Extension of Time sufficient to effect a timely response, any fees may be charged to Deposit Account No. 501249.

Respectfully Submitted,

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